



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 1 अक्टूबर, 2001/9 अश्विन 1923

हिमाचल प्रदेश सरकार

KAINTHLA COMMISSION

(Shimla Cows death inquiry)

PUBLIC NOTICE

Shimla, the 28th September, 2001

1. No. C. O. 1(K. C) Pub. N/01-I.—The Government of Himachal Pradesh *vide* Notification, dated the 14th September, 2001 has appointed Shri Hari Datt Kainthla, Retired District and Sessions Judge, as Commission of Inquiry under Sub-section (1) of Section (3) of Commission of Inquiries Act, 1952 for inquiring into the incident of the death of two cows on 12th and 13th August, 2001 within the area of Shimla East Police Station in circumstances leading to the registration of an F. I. R. and police investigation. All this caused serious public concern touching upon the Law and Order maintenance.

2. The Commission of Inquiry is to inquire into the following terms of reference and submit the report to the Himachal Pradesh Government within three months :—

- (i) To establish sequence of events leading to the death of the Cows.
- (ii) To establish whether the deaths were natural or due to some foul play by someone.
- (iii) Suggestions for the prevention of such incidents.

3. THIS COMMISSION IS TO PROBE INTO THE AFORESAID MATTER OF THE DEATH OF TWO COWS. THE COMMISSION, THEREFORE, IS ISSUING THIS PUBLIC NOTICE INVITING ALL PERSONS AND ORGANISATIONS HAVING KNOWLEDGE TO MAKE A STATEMENT OF FACTS, GIVING THEREIN EACH ITEM OF FACT, ALLEGATION OR INFORMATION CONCERNING THE INQUIRY SUBJECT MATTER.

4. The statements, complaints and allegations may be made or information laid by any individual or association before the Commission by way of affidavits in English or Hindi or without affidavit if for any good reason it is not feasible to put in an affidavit.

5. The complaints and representations, if any, received by the Government will also be gone into by the Commission.

6. Where any such statement is made by any organisation, the statement should be made by the Secretary of the Organisation or by such other person as may be duly authorised by the governing body of the organisation in this behalf as by a resolution or authority letter of the President.

7. A list of documents, if any, on which the deponent proposes to rely, should be attached to the affidavit alongwith such of the original or true copies of the documents and in the case of any document not in the possession or power of the deponent, the statement should include the name and address of the person from whom such documents may be obtained.

8. All affidavits submitted to the Commission must be attested by a competent authority, a Magistrate or an Oath Commissioner or Notary Public.

9. The statement be sent to the Secretary to the Commission of Inquiry (Kaintla Commission) in the Commission Office located in the District Collectorate Offices Complex, Shimla by registered post with acknowledgement due or personally given to him or some other officer or official authorised by the Commission and a receipt be obtained.

10. THE AFFIDAVITS OR STATEMENTS SHOULD REACH THE COMMISSION BY 23RD OCTOBER, 2001.

11. Section 6 of the Commission of Inquiry Act, 1952 protects deponents giving evidence, before the Commission from any legal action except a prosecution for giving false evidence by such statements.

12. The Commission will follow *inter-alia* the following Rules of Procedure as envisaged under section-8 of the Commission of Inquiry Act, 1952, besides the common procedural principles of natural justice, equity and fair play :—

- (a) All proceedings before the Commission shall be recorded in English,

- (b) The Headquarters and Office of the Commission shall be in the District Collector's Office Complex at Shimla and the Inquiry sittings would be held there.
- (c) The Office of the Commission shall function from 10.30 A. M. to 4.30 P. M. on all working days.
- (d) All hearings of the Commission shall be open to public except when the Commission decides otherwise.
- (e) The affidavits will be treated as complete evidence by the Commission. The deponents may however be called for further clarificatory statements in the discretion of the Commission.
- (f) The persons and parties concerned and joined in the inquiry proceedings may be represented and assisted by an Advocate or any other person.
- (g) Statements by affidavits, containing complaints or allegations or information which, in the opinion of the Commission, do not relate to the enquiry, shall not, and those as are frivolous and trivial in nature, may not, at the discretion of the Commission, be entertained or enquired into. In such a case, the complainant or deponent, may be informed accordingly if deemed desirable.
- (h) The Commission shall examine all the affidavits filed before it and may examine oral evidence as and if considered proper.
- (i) The Commission may "*suo-moto*" or on the application of any party, recall any witness or examine any new witness or evidence if necessary for the proper determination of the issues involved.
- (j) The Commission may at any stage of the proceedings put any questions to any party or witness as it considers relevant and proper.
- (k) The Commission may authorise the Secretary or any other official of the Commission to issue summons or any other process envisaged under section 4 of the Act or otherwise felt necessary.
- (l) The Commission may, summon any person to give evidence before it. It shall, however, not be bound to summon any person merely because it is requested by any person or party to do so.
- (m) Registered documents in original or their certified copies will be admitted without requiring formal proof.
- (n) Official records in the shape of attested true copies of the Government Departments or Government controlled institutions, statutory bodies, state undertakings, banks and co-operative societies, including the office noting, orders etc. may, subject to any valid claims of privilege or objections be admitted without any formal proof unless in any case required to be proved in any of the ways laid down in the Evidence Act.
- (o) The Commission will not be bound by the rules of the Evidence Act.
- (p) The Commission may make local investigations or inspection either personally or through any person duly authorised by it, into any matter falling within its terms

of reference. The not of such investigation inspection shall form part of the record of the Commission after hearing the objections of the parties, if any.

- (q) The Commission may avail the services of any officer or investigation agency of the State Government to conduct investigation into the Inquiry Subject Matter.
- (r) The Commission may either *suo moto* or on the application made by a person or party, delete or expunge any matter from any petition, affidavit, statement or other documents or return any such petition, affidavit, statement, document presented to the Commission, which in the opinion of the Commission is irrelevant or needlessly offensive, scurrilous or scandalous.
- (s) Travelling and other expenses, as the Commission may deem reasonable, shall be paid to a person who is summoned from an out-station to assist the Commission, if he so demands. Local residents of the place, where the proceedings of the Commission hearings are held, attending the inquiry will not be paid any expenses beyond the diet money if claimed.
- (t) The Commission reserves the right to alter, modify, delete, or add to any of these regulations, as and when it considers necessary.

14. The Commission will hold its first inquiry sitting at Shimla on 27th October, 2001, thereafter as and when necessary. All concerned and interested parties are hereby informed and called upon to participate in the inquiry proceedings and attend the Commission sitting on 27th October, 2001 in the Court Room of the Deputy Commissioner, Shimla.

MAN SINGH VERMA,

*Secretary,
Commission of Inquiry,
(Kainthla Commission).*